REMARKS

Reconsideration of the application is respectfully requested.

In view of the negative statements sometimes made concerning carbohydrates and fats, many individuals are attempting to include higher levels of protein in their diet. A convenient form for inclusion of protein and other nutrients is the nutritional bar. Unfortunately, elevated levels of protein often cause bars to suffer unacceptable deterioration in taste or other organoleptic properties. The present invention is directed to nutritional bars which are formulated to comprise elevated levels of protein yet not to suffer from such unacceptable deterioration in taste or other properties.

The present invention is directed to a nutritional bar comprising about 10% or more of soy and/or rice protein, together with at least one transitional metal or transitional metal compound and about 2% or more of a humectant. In one embodiment, at least 1 wt. % or more of the soy and/or rice protein is in the form of nuggets and the humectant includes polyols. In another embodiment, the nutrition bar has an A_w of 0.45 or less and in a further embodiment, the at least one transitional metal or transitional metal compound is in a substantially water insoluble form at 20°C.

Maxwell et al., U.S. Patent No. 6,063,432 is directed to health bars provided with high dosages of at least one of the amino acids L-arginine and L-lysine in conjunction with food solids and paste, protein and carbohydrates. Maxwell et al. indicate the desirability of including L-arginine and L-lysine in the supplement, but mention the undesirable flavor and reactivity of those amino acids with a variety of other chemicals which may be found in foods. Maxwell et al's health bars include at least two grams per

bar of at least one of the amino acids L-arginine and L-lysine in conjunction with sugars, fruits, fruit components, proteins and vitamins and minerals. The Office indicates that Maxwell et al. do not teach specifically soy protein being in nugget form or the use of glycerol as a humectant. The Office also points to no teaching by Maxwell et al. of the use of transition metal or transition metal compounds in substantially water insoluble form or of the water activity.

Cooke et al., U.S. Patent No. 4,451,448 is directed to a shelf stable intermediate moisture food bar having a soft and chewy texture. Lowered sugar content and good texture and taste are said to be maintained through the use of a combination of at least two polyhydric alcohols, one of which comprises a sugar alcohol and the other of which is either glycerol or propylene glycol. Cooke et al. indicate that through the use of at least two of the polyhydric alcohols the water activity is lowered to an optimum level in the range of 0.2 to 0.55.

Claims 1 and 14 have been amended to recite diols and triols among the humectants. This is supported in the last paragraph of page 14 of the specification. As amended, claim 1 even further distinguishes over Maxwell et al. by reciting the presence of diol and triol polyols. The Office points to no teaching by Maxwell et al. that diol and triol polyols should be included in their high protein bars. It is not apparent what in the prior art would lead one of ordinary skill to believe that organoleptic problems inherent in bars containing high levels of protein and at least one transition metal could be dealt with in a bar including diols and triols such as glycerol.

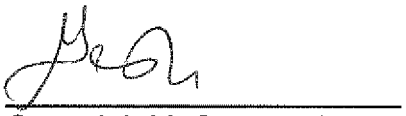
Moreover, the Office indicates that Maxwell et al. do not specifically teach soy protein being in nugget form so it is not apparent why one of ordinary skill would use the nuggets given this combination of references.

Claim 14 also recites the presence of diol or triol as humectant. Again it is not apparent why one of ordinary skill seeking to solve the problem of organoleptic deficiencies in high protein nutrition bars including transition metals would be led to include a diol or a triol. Likewise the Office points to no teaching by Maxwell et al. that the water activity of their high protein bars should be minimized.

Claim 16 recites that at least one transitional metal or transitional metal compound is in substantially water insoluble form at 20°C. The Office points to no teaching of this in either of the references and therefore it is unclear what would lead one of ordinary skill to this feature.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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